D.B. CIVIL WRIT PETITION (HAB.CORP.) NO. 5855/2007

Chhannu Khan
Vs.

1. State of Rajasthan through Principle Secretary, Ministry of State Home Affairs.
2. Superintendent of Police, Jodhpur.
3. Smt. Sulesh Choudhary, the Deputy Superintend of Police, Jodhpur.
4. S.H.O. PS. Sadar Kotwali, Jodhpur.
5. Chandreshekar Panwar.
6. A.D.M. City Jodhpur.
7. Judicial Magistrate, No. 2, Jodhpur through the Judicial Magistrate No. 3. Jodhpur.

Date of order : 03.10.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. SANGEET LODHA, J.

Mr. Yogesh Verma, for the petitioner.
Mr. J.K. Gehlot, for the respondent no.5.
Mr. N.M. Lodha, A.A.G.

Heard learned counsel for the petitioner, perused the record of investigation placed before us, prima facie it appears that the son of petitioner Mr. Nasir Khan and daughter of respondent no. 5 have gone together. Both of whom are major. It further appears from the record of the investigation that a joint application was moved by said Nasir Khan and Ms. Reena daughter of respondent no. 5 before

Collector, Gwalior for registration of their marriage, which application has been sent to Jodhpur Collector for verification of facts stated therein.

The learned counsel for the petitioner also addresses the daughter of the respondent no. 5 as petitioner's daughter-in-law.

In these circumstances, no case of issue Habeas Corpus is made out at the instance of the petitioner.

However, the learned Additional Advocate General is directed to instruct the I.G. Police, Jodhpur to hold an enquiry into the alleged incident of keeping the other son of the petitioner in police custody during investigation for almost five days without any authority and indulging into harassing the petitioner and his family in the name of investigation and take necessary action in accordance with the finding of such inquiry. Report of which may be submitted to the Court within 15 days.

The respondent investigating agency will also do well to bring the two person involved to Jodhpur as early as possible and get their

respective statements record before the Judicial Magistrate before proceeding further.

With the aforesaid direction the petition stands disposed off.

(SANGEET LODHA)J. **(RAJESH BALIA)J.**

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